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DAVEY TREE SURGERY COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT

12 FELIPE CALDERON,

13 Plaintiff,

14 v.

15 DAVEY TREE SURGERY COMPANY, and
DOES 1-50,

16 Defendant.

Case No. 4:11-CV-05486-SBA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
RELATED DEADLINES**

18 Plaintiff FELIPE CALDERON ("Plaintiff") and Defendant DAVEY TREE
19 SURGERY COMPANY ("Defendant") (collectively "The Parties"), hereby stipulate and agree to
20 the following:

21 WHEREAS, in the Order for Pretrial Preparation filed in this matter on March 8,
22 2012, the Honorable Sandra Brown Armstrong ordered the Parties: to complete all discovery, with
23 the exception of expert discovery, by November 2, 2012; to designate expert witnesses by November
24 2, 2012; to disclose rebuttal witnesses by November 30, 2012; and to complete all discovery
25 pertaining to expert witnesses by January 11, 2013 (Court Docket No. 17);

26 WHEREAS, in the Order for Pretrial Preparation filed in this matter on March 8,
27 2012, the Honorable Sandra Brown Armstrong ordered that all motions, including dispositive
28 motions shall be heard on or before January 8, 2012 at 1:00 p.m. (Court Docket No. 17);

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STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY AND RELATED DEADLINES

1 WHEREAS, the Parties have exchanged written discovery and have otherwise been
2 diligently and in good faith engaging in mutual discovery;

3 WHEREAS, the Parties each intend to take one or more depositions in this case but
4 have not yet noticed those depositions because the Parties are currently involved in settlement
5 negotiations;

6 WHEREAS, the Parties are attempting to resolve this matter before incurring the
7 significant costs and expenses associated with the completion of depositions and preparing for trial
8 and before incurring the potential disruption to the business of Defendant;

9 WHEREAS, the Parties the parties believe it would preserve the Parties' and the
10 Court's resources were the Parties able to further explore a negotiated resolution to this case prior to
11 engaging in further discovery;

12 WHEREAS, the Parties and their counsel respectfully request that: the November 2,
13 2012 non-expert discovery deadline be continued until January 4, 2013, so that the Parties may
14 explore the informal resolution of this matter prior to completing all anticipated discovery; the
15 deadline to designate expert witnesses be continued from November 2, 2012 to January 4, 2013; the
16 deadline to disclose rebuttal witnesses be continued from November 30, 2012 to February 1, 2013;
17 the deadline to complete all discovery pertaining to expert witnesses be continued from January 11,
18 2013 to March 8, 2013; and the deadline hear motions be continued from January 8, 2012 at 1:00
19 p.m. to March 12, 2013 at 1:00 p.m.; and

20 WHEREAS, neither party nor their counsel has previously requested an extension of
21 deadlines in this case;

22 THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, through
23 their respective counsel, that:

24 1. The non-expert discovery cut-off be continued from November 2, 2012 to
25 January 4, 2013;

26 2. The deadline the deadline to designate expert witnesses be continued from
27 November 2, 2012 to January 4, 2013;

28 3. The deadline to disclose rebuttal witnesses be continued from November 30,

2012 to February 1, 2013;

4. The deadline to complete all discovery pertaining to expert witnesses be continued from January 11, 2013 to March 8, 2013; and

5. The deadline to hear motions be continued from January 8, 2012 at 1:00 p.m. to March 12, 2013 at 1:00 p.m.

IT IS SO STIPULATED

Dated: October 18, 2012

/S/ Michael E. Brewer
RICHARD H. HARDING
MICHAEL E. BREWER
ALEXA L. WOERNER
LITTLER MENDELSON, P.C.
A Professional Corporation
Attorneys for Defendant
DAVEY TREE SURGERY COMPANY

Dated: October 18, 2012

/S/ Michael J. Reed
MICHAEL J. REED
Attorneys for Plaintiff
FELIPE CALDERON

As good cause exists due to Parties' attempts to resolve this matter before incurring the significant costs and expense associated with the completion of additional discovery and trial preparation and before incurring the disruption to the business of Defendant, the Court hereby modifies its Order for Pretrial Preparation filed in this matter on March 8, 2012, as stipulated above.

IT IS SO ORDERED.

Dated: November 6, 2012

By: 
Honorable Sandra Brown Armstrong
UNITED STATES DISTRICT JUDGE

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